

EXHIBIT E

Defendants' Requests for Production of
Documents (Fourth Set) to UEC Parties, served
July 11, 2019

EXHIBIT E

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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

UNIVERSAL ENTERTAINMENT
 CORPORATION, a Japanese corporation,

Plaintiff,

v.

ARUZE GAMING AMERICA, INC., a Nevada
 corporation, KAZUO OKADA, an individual,

Defendants.

ARUZE GAMING AMERICA, INC., a Nevada
 corporation, KAZUO OKADA, an individual,

Counterclaimants,

v.

UNIVERSAL ENTERTAINMENT
 CORPORATION, a Japanese corporation,
 ARUZE USA, a Nevada corporation, and JUN
 FUJIMOTO, an individual,

Counter Defendants.

CASE NO.: 2:18-cv-00585-RFB-GWF

**ARUZE GAMING AMERICA, INC.
 AND KAZUO OKADA'S REQUESTS
 FOR PRODUCTION OF DOCUMENTS**

(FOURTH SET)

1 **TO: EACH PLAINTIFF OR COUNTER-DEFENDANT AND ITS/HIS**
 2 **ATTORNEY OF RECORD.**

3 Pursuant to Federal Rules of Civil Procedure 26 and 34, Defendants/Counter-Claimants
 4 request that Plaintiff/Counter-Defendants produce documents described below for inspection
 5 and copying at the offices of Holland & Hart LLP, 9555 Hillwood Drive, 2nd Floor, Las Vegas,
 6 Nevada 89134, within thirty (30) days after service of this request or at a mutually agreed upon
 7 time and place.

8 **INSTRUCTIONS AND DEFINITIONS**

9 1. Plaintiff/Counter-Defendants' responses to these requests shall comply with FRCP
 10 34(b)(2), in that for all items produced pursuant to these requests, Plaintiff/Counter-Defendants
 11 shall "organize and label them to correspond with the categories in the request."

12 2. As used in these requests, the following terms are defined as follows:

13 a. "AGA" refers to the Defendant/Counter-Claimant in this action identified
 14 as Aruze Gaming America, Inc., including but not limited to its known predecessors, successors,
 15 parents, subsidiaries, divisions and affiliates (excluding UEC and Aruze), and each of their
 16 respective current and former officers, directors, agents, attorneys, accountants, employees,
 17 representatives, partners, consultants, contractors, advisors, and other persons occupying similar
 18 positions or performing similar functions, and all other persons acting or purporting to act on its
 19 behalf or under its control.

20 b. "Aruze" refers to the Counter-Defendant in this action identified as Aruze
 21 USA, Inc., including but not limited to its predecessors, successors, parents, subsidiaries,
 22 divisions and affiliates (excluding AGA), and each of their respective current and former officers,
 23 directors, agents, attorneys, accountants, employees, representatives, partners, consultants,
 24 contractors, advisors, and other persons occupying similar positions or performing similar
 25 functions, and all other persons acting or purporting to act on its behalf or under its control.

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1 c. **“Calendar”** refers to any calendar, agenda, day planner, date book, diary,
2 and/or similar document through which persons record appointments, meetings, dates, and/or
3 schedules, whether electronic or in hard copy form.

4 d. **“Concerning”** means constituting, relating to, pertaining to, referring to,
5 alluding to, responding to, in connection with, commenting on, in response to, regarding,
6 explaining, discussing, showing, describing, studying, reflecting, analyzing, supporting or
7 contradicting.

8 e. **“Document(s)”** or **“Communication(s)”** mean the original, or a copy
9 when the original is not available, and each non-identical copy, including those which are non-
10 identical by reason of notations or markings of: papers, tapes, drives, discs, or other substances
11 on which **Communications**, data, or information is recorded or stored, whether made by manual,
12 mechanical, photographic or electronic process. This definition includes all drafts or superseded
13 revisions of each document. As used herein, “document(s)” and **“Communications”** includes,
14 but is not limited to: e-mail, text messages, books, pamphlets, periodicals, letters, reports,
15 memoranda, handwritten notes, notations, messages, telegrams, cables, records, drafts, diaries,
16 studies, analyses, summaries, magazines, circulars, bulletins, instructions, minutes, photographs,
17 purchase orders, bills, checks, tabulations, calendars, charge slips, questionnaires, surveys,
18 drawings, sketches, working papers, charts, graphs, indexes, taped correspondence, records of
19 purchase of sale, contracts, agreements, leases, invoices, expense records, trip reports, releases,
20 appraisals, valuations, estimates, opinions, financial statements, accounting records, income
21 statements, electronic or other transcriptions or taping of telephone or personal conversations or
22 conferences or any and all other written, printed, typed, punched, taped, filed or graphic matter
23 or tangible thing, of whatever description, however produced or reproduced (including computer
24 stored or generated data, together with instructions and programs necessary to search or retrieve
25 such data), and shall include all attachments and enclosures to any requested item, which shall
26 not be separated from the item to which they are attached or enclosed. **“Documents”** also includes
27 any records maintained by computer or other electronic media, including disk, CD-ROM, DVD
28

1 or other devices. “**Documents**” include electronically stored information (“ESI”) associated with
 2 requested documents, including, without limitation email, voicemail, documents, spreadsheets,
 3 calendars, and any other information existing in electronic format (e.g. Word, Excel, Outlook,
 4 .pdf, .tif, .jpg, .wav). “**Documents**” also includes any physical things.

5 f. “**Fujimoto**” refers to the individual Counter-Defendant in this action
 6 identified as Jun Fujimoto, or anyone acting on his behalf.

7 g. “**Hideki Goto**” refers to Hideki Goto, or anyone acting on his behalf.

8 h. “**Okada**” refers to the individual Defendant/Counter-Claimant in this
 9 action identified as Kazuo Okada.

10 i. “**Okada Holdings**” or “**OHL**” refers to Okada Holdings, Limited,
 11 including but not limited to its predecessors, successors, parents, subsidiaries, divisions and
 12 affiliates, and each of their respective current and former officers, directors, agents, attorneys,
 13 accountants, employees, representatives, partners, consultants, contractors, advisors, and other
 14 persons occupying similar positions or performing similar functions, and all other persons acting
 15 or purporting to act on its behalf or under its control.

16 j. “**Special Investigation Committee**” or “**SIC**” refers to that committee
 17 referenced in paragraphs 67 – 68 of UEC’s Second Amended Complaint which, *inter alia*, alleges
 18 that “[i]n June 2017, UEC became aware of a possibility that Okada engaged in misconduct in
 19 relation to foreign business. In response to this misconduct, UEC established a Special
 20 Investigation Committee formed by outside experts to investigate Okada.” “On August 29, 2017,
 21 the Special Investigation Committee reported the results of the investigation to UEC. This
 22 identified the fact that Okada had caused UEC damages worth at least JPY 2.2 billion due to his
 23 misconduct through the foreign business done for personal gain during 2013 – 2015.”

24 k. “**UEC**” or “**Plaintiff**” refers to the Plaintiff/Counter-Defendant in this
 25 action identified as Universal Entertainment Corporation, including but not limited to its
 26 predecessors, successors, parents, subsidiaries, divisions and affiliates, and each of their
 27 respective current and former officers, directors, agents, attorneys, accountants, employees,
 28

1 representatives, partners, consultants, contractors, advisors, and other persons occupying similar
 2 positions or performing similar functions, and all other persons acting or purporting to act on its
 3 behalf or under its control.

4 1. “**Wynn Litigation**” refers to the civil action filed in Nevada District Court
 5 under cause number A-12-656710-B by Wynn Resorts, Limited against Okada, Aruze, and UEC.

6 3. Words in the singular include their plural meaning, and vice versa. The past tense
 7 includes the present tense where the clear meaning is not distorted by a change of tense, and words
 8 used in the masculine gender shall include the feminine gender.

9 4. The words “and” and “or” shall be individually interpreted in every instance as
 10 meaning “and/or” and shall not be interpreted to exclude any information within the scope of any
 11 request.

12 5. References to persons and other entities include their agents, employees,
 13 representatives, and attorneys.

14 6. These requests require production of **Documents**, including documents,
 15 electronically stored information or things, that are in your possession, custody or control, and
 16 **Documents** that are in the possession, custody or control of your agents, employees, accountants,
 17 attorneys, representatives, or other persons who have documents deemed to be in your possession,
 18 custody or control.

19 7. If you contend that you are entitled to withhold from production any or all
 20 **Documents** identified herein on the basis of attorney/client privilege, work product doctrine, or
 21 other ground, then do the following with respect to each and every document:

22 a. Describe the nature of the document, in sufficient particularity to identify
 23 it and to enable you to identify or disclose it in response to an order of the court, including the
 24 date and subject matter of such document;

25 b. Identify the person(s) who prepared the document;

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1 c. Identify the person(s) who sent and received the original and a copy of the
2 document, or to whom the document was circulated, or its contents communicated or disclosed;
3 and

4 d. State the basis upon which you contend you are entitled to withhold the
5 document from production.

6 8. Whenever a document is not produced in full (as, for example, when material is
7 excerpted or redacted from a document), state with particularity the reason or reasons why the
8 document was not produced in full, and describe to the best of your knowledge, information, or
9 belief and with as much particularity as possible, those portions of the document that are not
10 produced, including the content or substance of the content thereof.

11 9. If **Documents** existed that were responsive to any of these requests, but you
12 contend that such **Documents** no longer exist or are not within your possession, custody or
13 control, then do the following with respect to each and every document:

14 a. Describe the nature of the document, in sufficient particularity to identify
15 it and to enable the answering party to identify or disclose it in response to an order of the court,
16 including the date and subject matter of such document;

17 b. Identify the person(s) who prepared the document;

18 c. Identify the person(s) who sent and received the original and a copy of the
19 document, or to whom the document was circulated, or its contents communicated or disclosed;
20 and

21 d. State the circumstances which prevent production of the document.

22 10. Electronic records and computerized information shall be produced in an
23 intelligible and readable format and shall be accompanied by a description of the system from
24 which they were obtained, including a description of the database or other software utilized with
25 respect to such data.

26 11. Unless otherwise specifically stated, all requests call for production of **Documents**
27 prepared, received, or dated at any time prior to and including the date of production.
28

12. With respect to any category of **Documents** whose production you contend is in some way “burdensome” or “oppressive,” please state the specific reason for that objection.

13. These requests are continuing and, to the extent required by the Federal Rules of Civil Procedure, you must promptly produce such additional responsive **Documents** as may hereafter be located or acquired by you.

14. The answering party shall produce the **Documents** as they are kept in the usual course of business or organize and label the **Documents** to correspond with the categories in these requests. If the original is not in your custody, then you are to produce a copy thereof, and all non-identical copies which differ from the original or from the other copies produced for any reason including the making of notes thereon.

15. These Requests are intended to encompass any electronically stored information or any data or information maintained in any form.

16. Unless the parties agree otherwise, Defendants/Counter-Claimants request production in the form set forth in the parties ESI Agreement.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 212:

Please produce all insurance policies, including without limitation Directors and Officers Liability policies (“D&O Policies”), pursuant to which UEC was a named insured or additional insured and with a policy period from January 1, 2010 to March 31, 2018.

REQUEST NO. 213:

Please produce all insurance policies, including without limitation D&O Policies, pursuant to which Aruze was a named insured or additional insured and with a policy period from January 1, 2010 to March 31, 2018.

REQUEST NO. 214:

Please produce all insurance policies, including without limitation D&O Policies, under which UEC (and without limitation, its officers and directors) tendered defense or indemnity in the Wynn Litigation.

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REQUEST NO. 215:

Please produce all Documents sufficient to identify all persons whose legal fees, costs and expenses incurred in the Wynn Litigation were paid and/or reimbursed under any insurance policy pursuant to which UEC is a named or additional insured, including, without limitation, any D&O Policy.

REQUEST NO. 216:

Please produce all Documents and Communications Concerning insurance coverage of UEC's directors and officers in the Wynn Litigation.

REQUEST NO. 217:

Please produce Mr. Jun Fujimoto's Calendar(s) from January 1, 2017 to present.

REQUEST NO. 218:

Please produce Mr. Hajime Tokuda's Calendar(s) from January 1, 2017 to present.

REQUEST NO. 219:

Please produce all Documents supporting the assertion that "On May 21, 2017 . . . [UEC] was notified by OHL that it would change its officers and its standing proxy. Simultaneously [UEC] was notified that OHL believed Mr. Okada and Mr. Negishi to be unsuitable Directors at [UEC] . . ." as stated in the Report on Chain of Events dated February 28, 2018 (UEC_00021174-00021187, specifically UEC_00021175).

REQUEST NO. 220:

Please produce all Communications from January 1, 2017 to September 20, 2018 between UEC, which shall include, without limitation, Hideki Goto and Fujimoto, and Deutsche Bank AG Concerning the Wynn Litigation or the research conducted by Deutsche Bank as summarized in the Markets Research report dated September 25, 2017 (UEC_00030894-00030950) and November 13, 2017 (UEC_00134227).

REQUEST NO. 221:

Please produce all Documents Concerning the directors' approval and the circular in connection with the loan made by Tiger Resort Asia to Goldluck Tech on March 3, 2015 in the

1 amount of HKD135 million as described in the Universal Entertainment Corporation Audit
2 Summary Report dated May 29, 2015 (UEC_00048859-00048875, specifically UEC_00048866).

3 **REQUEST NO. 222:**

4 Please produce the “Affiliate Company Management Rules and the current Subsidiary
5 Company Management Rules” (effective March 1, 2010), as referenced in UEC’s redacted SIC
6 report (AGA_00000363) which is attached to the August 30, 2017 Press Release entitled “Notice
7 on Results of Investigation by Special Investigation Committee and Future Actions.”

8 **REQUEST NO. 223:**

9 Please produce all Communications from January 1, 2017 to September 20, 2018 between
10 UEC, which shall include, without limitation, Hideki Goto, and Union Gaming Concerning the
11 research conducted by Deutsche Bank as summarized in the Markets Research report dated
12 September 25, 2017 (UEC_00030894-00030950) and November 13, 2017 (UEC_00134227).

13 **REQUEST NO. 224:**

14 Please produce all Communications from January 1, 2017 to September 20, 2018 between
15 UEC, which shall include, without limitation, Hideki Goto, and Fitch Ratings Concerning the
16 research conducted by Deutsche Bank as summarized in the Markets Research report dated
17 September 25, 2017 (UEC_00030894-00030950) and November 13, 2017 (UEC_00134227).

18 **REQUEST NO. 225:**

19 Please produce all Communications from January 1, 2017 to September 20, 2018 between
20 UEC, which shall include, without limitation, Hideki Goto, and Standard & Poor’s Concerning
21 the research conducted by Deutsche Bank as summarized in the Markets Research report dated
22 September 25, 2017 (UEC_00030894-00030950) and November 13, 2017 (UEC_00134227).

23 **REQUEST NO. 226:**

24 Please produce all Communications from January 1, 2017 to September 20, 2018 between
25 UEC, which shall include, without limitation, Hideki Goto, and Moody’s Corporation Concerning
26 the research conducted by Deutsche Bank as summarized in the Markets Research reports dated
27 September 25, 2017 (UEC_00030894-00030950) and November 13, 2017 (UEC_00134227).

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REQUEST NO. 227:

Please produce all Communications from January 1, 2017 to September 20, 2018 between UEC, which shall include, without limitation, Hideki Goto, and any other third party Concerning the research conducted by Deutsche Bank as summarized in the Markets Research reports dated September 25, 2017 (UEC_00030894-00030950) and November 13, 2017 (UEC_00134227).

REQUEST NO. 228:

Please produce all exhibits to the written statement of Yoshinao Negishi, produced as UEC_00118326, as referenced in said written statement.

REQUEST NO. 229:

Please produce any opinion letter obtained by Mr. Hajime Tokuda and/or UEC prior to the UEC Board of Directors meeting on May 31, 2017, relating to the suitability or appropriateness of Mr. Okada to serve as a Director of UEC, including but not limited to the opinion letter obtained from Iwaida Law Firm.

DATED this 11th day of July, 2019.

By /s/ Bryce K. Kunimoto
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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 2019, a true and correct copy of the foregoing **ARUZE GAMING AMERICA, INC. AND KAZUO OKADA'S REQUESTS FOR PRODUCTION OF DOCUMENTS (FOURTH SET)** was served by the following method(s):

☒ Email: by electronically delivering a copy via email to the following e-mail addresses:

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